

**CITY OF MUSKEGON**  
**PLANNING COMMISSION**  
**REGULAR MEETING**

DATE OF MEETING: Thursday, September 16, 2021  
TIME OF MEETING: 4:00 p.m.  
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

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**AGENDA**

- I. Roll Call
- II. Approval of Minutes from the regular meeting of July 15, 2021.
- III. Public Hearings
  - A. Hearing, Case 2021-24: Request for preliminary Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western, by Ryan Leestma.
  - B. Hearing, Case 2021-25: Request for final Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western, by Ryan Leestma.
  - C. Hearing, Case 2021-26: Staff initiated request to amend the Lakeside Form Based Code to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows, class A medical grows, class B medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.
- IV. New Business
- V. Other
  - A. Updates on previous cases
- VI. Adjourn

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CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

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calling the following:  
Ann Meisch, City Clerk  
933 Terrace Street  
Muskegon MI 49440

## **STAFF REPORT**

**September 16, 2021**

Hearing, Case 2021-24: Request for preliminary Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western, by Ryan Leestma.

### **SUMMARY**

1. The proposed PUD consists of two privately-owned parcels (1148 & 1204 W Western) and a portion of the charter park at Hartshorn Marina (920 W Western). The usage of the charter park would be done through a shared access agreement. The size of the entire project is 37.3 acres.
2. There are three underlying zoning designations within the proposed PUD; Lakefront Recreation, Heavy Industrial and Form Based Code, Neighborhood Edge.
3. The land uses associated with the PUD include light industrial, boat storage, multi-family residential, retail and a new marina and boat launch.
4. The new streets (Adelaide Ave, Adelaide Dr, Adelaide Circle) will be publicly owned and maintained.
5. Public access to the site will increase significantly, especially to the lakeshore. The bike path would be repositioned slightly, moving it closer to the water. The three peninsulas will be publicly accessible and a fishing pier will be constructed at the end of the peninsula on the charter park property. That peninsula is currently gated and only accessible to those utilizing the small boat basin. The gate will be removed to allow for public access to all. The 30 slips at the former small boat basin would be removed, but 70 transient slips would be available at the new marina. The former small boat basin would be used as another boat launch with a lift that can launch boats up to 100 feet, an amenity the City currently does not possess. The launch would be operated by the developer but would remain open for public use.

**Development Area as Viewed from Western Ave**





## Aerial Map



## Zoning Map







## SHEET NOTES:

- C COMMERCIAL BUILDINGS**
  - C1 ADELAIDE POINT OFFICES
  - C2 LIGHT INDUSTRY
  - C3 WAREHOUSING / BOAT STORAGE
  - C4 WAREHOUSING / BOAT STORAGE
  - C5 RETAIL / BOAT SERVICE / BOAT STORAGE
  - C6 WAREHOUSING / BOAT STORAGE
  - C7 WAREHOUSING / BOAT STORAGE
  - C8 WAREHOUSING / BOAT STORAGE
  - C9 WAREHOUSING / BOAT STORAGE
- R RESIDENTIAL BUILDINGS**
  - R1 CONDOMINIUM BUILDING
  - R2 CONDOMINIUM / COMMERCIAL
  - R3 CONDOMINIUM / COMMERCIAL
  - R4 CONDOMINIUM BUILDING
  - R5 CONDOMINIUM BUILDING
  - R6 APARTMENT BUILDING
- B MIXED USE BUILDING / AMENITIES**
  - B1 SALES / RETAIL / RESTAURANT
  - B2 BAR / CAFE
  - B3 BOATER SERVICES
  - B4 RESTROOMS / PAVILION
  - B5 POOL
- M MARINA / MARINA SERVICES**
  - M1 WET SLIP MARINA
  - M2 TRANSIENT SLIPS
  - M3 SLIP ACCESS POINT
  - M4 ROCK GROINS
  - M5 SLIP WELL / RAMPS
  - M6 FUEL DOCKS
- A PUBLIC AMENITIES**
  - A1 BREEZE & PEDESTRIAN TRAILS
  - A2 WEST POINT PARK
  - A3 LINEAR PARKS
  - A4 EAST BASIN PARK
  - A5 FISHING PIER
  - A6 PAVILIONS
  - A7 BREEZE BACKS
  - A8 EVENT LAWN
  - A9 ON STREET PARKING
  - A10 OFF STREET PARKING
  - A11 RESTROOMS
  - A12 PARKING GARAGE ACCESS

## **Zoning Ordinance Excerpt:**

### **a. Standards for Approval of PUD Plans**

The Planning Commission shall approve, deny or modify preliminary PUD plans, based upon the following standards. Likewise, the City Commission shall approve, deny, or modify final PUD plans (after review and recommendation by the Planning Commission) based upon the following standards.

- 1) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.
- 2) The uses proposed should be consistent with the land use plans adopted by the City.
- 3) The amount of open space provided, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 4) The amount of off-street parking areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 5) The amount of landscaping and buffering areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.
- 6) The protection or enhancement of significant natural, historical, or architectural features within the proposed development area.
- 7) The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

## **STAFF RECOMMENDATION**

Staff recommends approval of the preliminary PUD.

## **DELIBERATION**

I move that the request for preliminary Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western be (approved/denied).

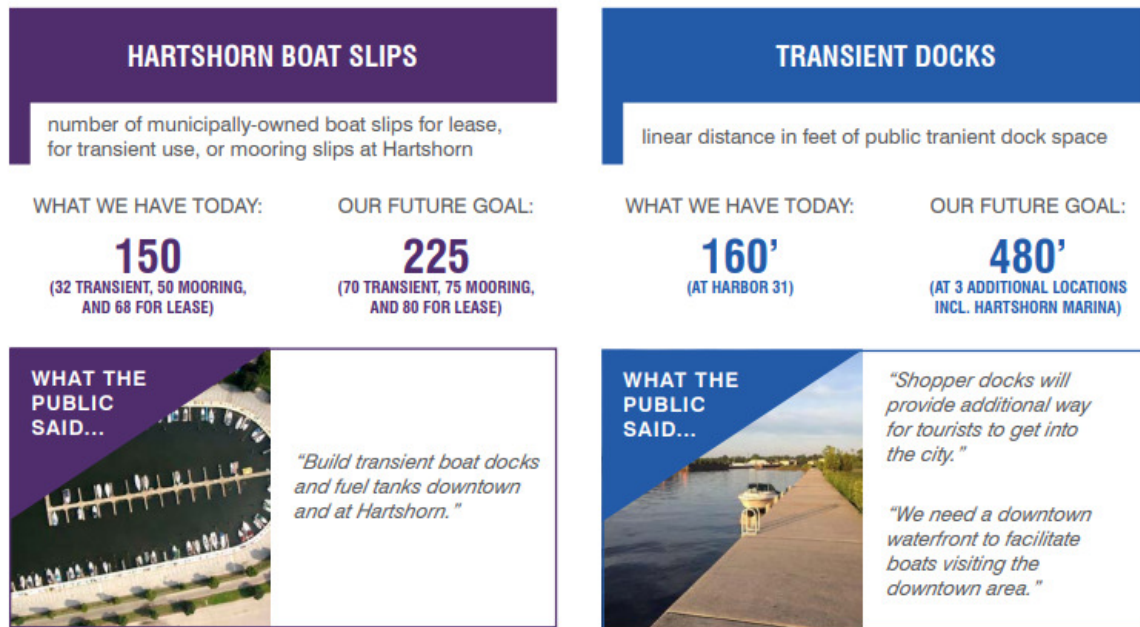
## **SUMMARY**

1. A detailed site plan (C-1.00) and illustrative map (V-2.00) can be found inside of the PUD Submittal. Within the site plan map, you will also see a chart that depicts the building heights/sizes, unit counts and parking information. A larger copy of this document has been separately included in your packet. Staff agrees that parking needs can be met through shared parking by different uses and elimination of some required spaces due to certain reductions.
2. Any approvals will be contingent upon issuance of a stormwater permit from the Muskegon County Drain Commissioners Office. The stormwater management plan is currently under review at that office.
3. The Public Works and Fire Department offices are still working with the applicant on the location of fire hydrants and water main at the northern end of the site. Public Works desires to see all of the public water main located within the public right-of-way. All approvals should be contingent up staff approving these measures.
4. The Planning Department would like to see buildings C5 and C6 contribute more to the public realm and pedestrian experience on Western Ave. This is the area that has the underlying form based code zoning, which was intended to create more walkable, pedestrian oriented developments. Regarding this development, its obvious that the waterfront is the key feature. However, staff believes that some modifications to these buildings could help draw people into the development and other future developments on the south side of Western Ave. Staff would recommend that these buildings be located closer to Western Ave and incorporate pedestrian-scaled elements such as transparent windows and adequate entrances along the front façade.
5. The Planning Department would also encourage the proposed parallel parking spaces on Adelaide Circle be reduced from 10 feet to 7 feet, which could reduce the size of the ROW by up to 6 feet.
6. Staff is currently working with the developer on these staff comments and they are preparing to present new materials at the meeting that will address these issues.
7. The developer is currently finalizing the phasing plan and will present it at the meeting.

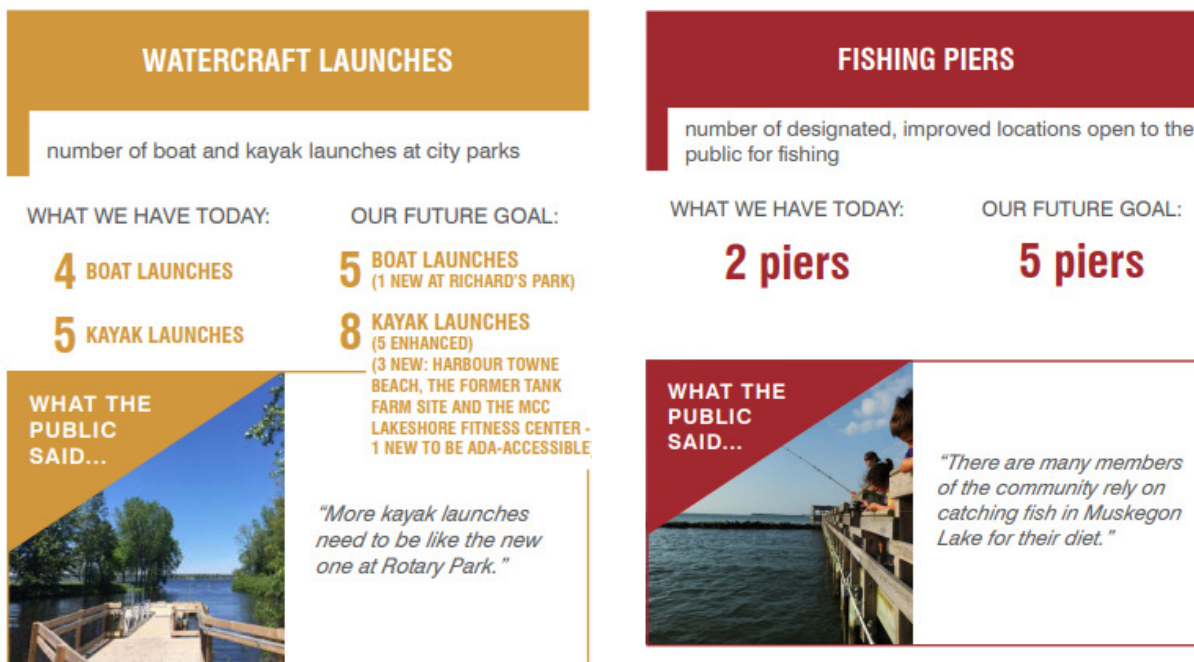


## STAFF RECOMMENDATION

Staff recommends approval of the plan with the inclusion of the staff comments. The Imagine Muskegon Lake Plan discusses 12 important “metric and measureable” goals for public amenity features that residents identified along Muskegon Lake. This development will help address nine of these goals.



Increased boat slips, including transient slips.



An additional boat launch, which includes a boat lift that can accommodate 100' long boats.

A new fishing pier on the Hartshorn Peninsula

## PUBLICLY-ACCESSIBLE LAND ALONG THE WATERFRONT

acres of land held by the City or other public or private entities adjacent to the water with public access easement

WHAT WE HAVE TODAY:

**140 acres**

OUR FUTURE GOAL:

**NO LESS THAN  
140 acres**

WHAT THE PUBLIC SAID...



*"Keep and expand public land holdings on Muskegon Lake and expand public access."*

*"Love the idea of improving access from neighborhoods and downtown to the lakeshore."*

**#2**  
(tied) public comment priority

## PUBLICLY-ACCESSIBLE SHORELINE

linear distance in miles of shoreline held by the City or other public or private entities with public access easement

WHAT WE HAVE TODAY:

**4.6 miles**

OUR FUTURE GOAL:

**NO LESS THAN  
4.6 miles**

WHAT THE PUBLIC SAID...



*"Need to balance public and private access to the water."*

**#2**  
(tied) public comment priority

Much more of the site will be publicly accessible, including increased public access to two of the peninsulas.  
The bike path will remain along the water (will actually get closer to the water)

## MULTI-USE PATHS & TRAILS

linear distance in miles of off-street multi-use pathway facilities

WHAT WE HAVE TODAY:

**8.4** ALONG THE SHORELINE  
**11.9** TOTAL IN CITY

OUR FUTURE GOAL:

**10.0** ALONG THE SHORELINE  
**16.0** TOTAL IN CITY

WHAT THE PUBLIC SAID...



*"Extend trails to Pere Marquette Park."*

**#3**  
public comment priority

## BIKE LANES & PAVED SHOULDERS

linear distance in miles of on-street bike lanes or paved shoulders (both directions)

WHAT WE HAVE TODAY:

**2.4 MILES**

OUR FUTURE GOAL:

**8.0 MILES**

WHAT THE PUBLIC SAID...



*"More connectivity and safer streets including bike lanes!"*

An increase in access to the waterfront. New sidewalks within the development accessible to the public.

A new bike path "cut through" that will allow pedestrians the ability to bypass the waterfront bike path for a more direct route along Western Ave. New parking spaces at the end of Western Ave for pedestrians that would like to park and bike.



## WATERFRONT DEVELOPMENT

in general, the amount of private development along the Muskegon Lake shoreline

WHAT WE HAVE TODAY:

**Ample land for private development/redevelopment**

OUR FUTURE GOAL:

**INCREASE HIGH-DENSITY, MIXED-INCOME HOUSING INCLUDING ATTACHED SINGLE-FAMILY AND MULTI-FAMILY AND INCREASE MIXED-USE DEVELOPMENT**

**WHAT THE PUBLIC SAID...**



*"So much of the lakeshore is underutilized."*

*"We can't have more of the same development in Muskegon. Time for something new and innovative."*

Addition of high density housing and mixed-use buildings.

## Ideas and Vision Plan from Imagine Muskegon Lake



- A** WATERFRONT RESIDENTIAL WITH FORMAL GREENSPACE AND BIKE + PEDESTRIAN ACCESS AND CONNECTION
- B** VILLAGE GREEN WITH FOCAL POINT
- C** BEACH
- D** PIER WITH TERMINATED VISTA AND DESTINATION OVERLOOK
- E** MARINA WITH ADJACENT RESIDENTIAL REDEVELOPMENT
- F** CRUISE SHIP DOCK AT HERITAGE LANDING
- G** SMALL BLOCK SIZES WITH PARKING INTERNAL TO THE BLOCK TO HUMANIZE STREET SPACES
- H** REALIGNED WESTERN AVENUE TO DEFLECT AND TURN INTO MICHIGAN AVENUE - FOCAL BUILDING AT DEFLECTED TURN
- I** INFILL FOCUSED ON RESIDENTIAL HOUSING VARIETY
- J** TRANSIENT BOAT DOCKS
- K** BOAT STORAGE CONDOMINIUMS INTERNAL TO THE BLOCK AND SHIELDED FROM THE NEW STREET WITH BUILDINGS
- L** MULTI-USE TRAIL DEFLECTION TO PROVIDE ALTERNATE ROUTE ALONG LAKESHORE AS TRAIL CHANGES TO PROMENADE
- M** INTERSECTION REPAIR AT DIVISION ST. + WESTERN AVE. - SIMILAR TO 7TH STREET REPAIR (GREEN TO INTERSECTION REPAIRS IN THIS CHARTER)
- N** ENHANCED CROSSWALK AT DOG PARK - SIMILAR TO ITEM #1 FOR 3RD STREET REPAIR (GREEN TO INTERSECTION REPAIRS IN THIS CHARTER)
- O** INTERSECTION REPAIR TO CONNECT WESTERN AVENUE ACROSS SEAWAY/HORNE LINE DRIVE - SIMILAR TO 1ST STREET REPAIR (GREEN TO INTERSECTION REPAIRS IN CHARTER CENTRAL WATERMARK DISTRICT)
- P** ENHANCED STREETSCAPE TO PROVIDE HIGH QUALITY PUBLIC REALM AND A GATEWAY FEATURE INTO RESIDENTIAL AREA
- Q** WALKABLE KAYAK LAUNCH (EXACT LOCATION TO BE DETERMINED THROUGH PARTNERSHIP WITH LOCAL SPOKESMAN ORGANIZATIONS)

## WESTERN WATERFRONT ACTIVITY CENTER ILLUSTRATIVE: VISION PLAN



## **DELIBERATION**

I move that the request for final Planned Unit Development approval for a mixed use development at 920/1148/1204 W Western be recommended to the City Commission for (approval/denial) with the following conditions:

1. A stormwater permit is obtained from the Muskegon County Drain Commissioners Office.
2. Staff approves an amended site plan that addresses the comments from the Public Works, Fire and Planning Departments.



Hearing, Case 2021-26: Staff initiated request to amend the Lakeside Form Based Code to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows (500 plant max), class A medical grows (100 plant max), class B medical grows (500 plant max) and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.

## SUMMARY

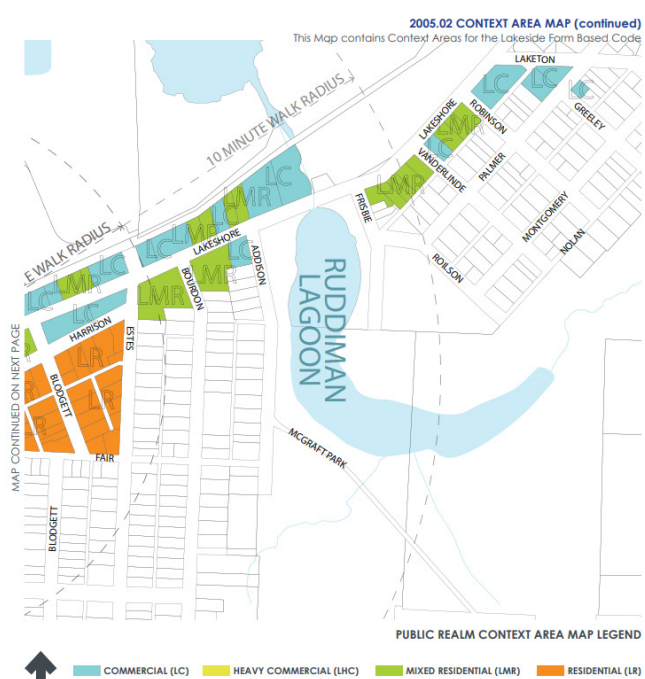
1. Marihuana caregivers are allowed in B-2, B-4, Medical Care, I-1 and I-2 zoning districts.
2. The Lakeside Business District was made up predominantly of B-2 and B-4 zoning districts. They were rezoned to Lakeside Form Based Code in May Of 2019. The newly created Lakeside Form Based Code did not allow for caregivers at the time, an oversight from staff. There is now a legally non-conforming caregiver located in Lakeside, as it existed before the zoning change.
3. In November of 2020, in an effort to help get more local people involved in the marihuana industry, the Commission adopted an ordinance amendment that would allow smaller marihuana license types to operate where caregivers were already allowed. These license types included microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted.
4. Had the Lakeside Business District not been rezoned to Lakeside Form Based Code, the Lakeside Businesses would have enjoyed the ability to operate these uses under a special use permit.
5. Staff is proposing to amend the Lakeside Form Based Code ordinance to allow these same license types in the Lakeside Commercial and Lakeside Heavy Commercial Context areas.
6. There are 37 properties in Lakeside that have Lakeside Commercial and Lakeside Heavy Commercial Context areas, however, most of them do not have enough space to operate for marihuana production. Its estimated that for a 100 plant grow, there will need to be at least 4,000-5,000 sf available for growing and harvesting.

2005.02 CONTEXT AREA MAP  
This Map contains Context Areas for the Lakeside Form Based Code



SECTION 2005

CONTEXT AREAS AND USE



## **DELIBERATION**

The following proposed motion is offered for consideration:

I move that the request to amend the Lakeside Form Based Code to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas be recommended to the City Commission for approval.